



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: December 22, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Robert Price, Assistant Planner

Subject: **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Beverly D. Hilton Revocable Trust and George L. Hilton Revocable Trust (owners)**—Variances under Section 3.02 of the Zoning Ordinance to permit a lot with lot area of 52,985 s.f. whereas 100,000 s.f. is required; contiguous upland area of 52,985 s.f. whereas 100,000 s.f. is required; and depth of 150 feet whereas 300 feet is required. The parcel is located on Tinker Road in the R-1 (Residential), and Aquifer Conservation Districts. Tax Map 2C, Lot 110. Case #2015-48.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

Map 2C, Lot 110 is located at 22 Tinker Road. This parcel was originally part of a 2.782 acre parcel as depicted on the Tinker Woods subdivision plan (HCRD Plan 22357). Part of this plan showed the relocation of Tinker Road which was intended to correct its alignment with the Proposed Camp Sargent Road Bypass (now Continental Boulevard). The plan shows that Tinker Road was intended to be situated to the northerly side of Lot 110. Instead, when the New Hampshire Department of Transportation relocated Tinker Road, they cut through Lot 110, leaving behind two lots (Map 2C / Lot 110 and Map 2C / Lot 110-1). The resulting layout was not what was originally intended and was never formalized by way of a subdivision plan.

Today, Lot 110 is comprised of 1.21 acres and is in the R (Residential) District (R-1 by soils). It is currently vacant and would be serviced by Town water and private septic. The petitioner is seeking three variances in order to present a subdivision to the Planning Board that would formalize the creation of this lot and in turn, make it usable for a single-family dwelling.

Standard of Review:

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the three variances have been met:

- Under Section 3.02 (Table of Lot & Yard Regulations, R-1 District) of the Zoning Ordinance to allow the presentation of a subdivision plan to the Planning Board with a lot consisting of:
 - Less than the required lot area (52,985 s.f. whereas 100,000 s.f. is required);
 - Less than the required contiguous upland area (52,985 s.f. whereas 100,000 s.f. is required); and
 - Less than less than the required lot depth (150 feet whereas 300 feet is required).

Cc: Beverly D. Hilton Revocable Trust (owner)
George L. Hilton Revocable Trust (owner)
Zoning Board File
Correspondence

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